

TCC:jp 041217

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

ZAFAR HASAN,

Plaintiff,

v.

FOLEY & LARDNER, LLP,

Defendant.

No. 04 C 5690

Judge Zagel

Magistrate Judge Ashman

MOTION IN LIMINE NO. 2

MITIGATION EVIDENCE

Plaintiff, Zafar Hasan, by and through his attorney, Thomas C. Crooks, as and for his Motion in Limine No. 2 states as follows:

1. Defendant has pled as an affirmative defense “On information and belief plaintiff has failed to mitigate his damages.”

2. Any claim that plaintiff has not mitigated his damages goes to the question of back pay and front pay, which are issues to be determined by the court if and when liability is established. As a result, evidence of mitigation of damages is not relevant to liability and should not be admitted before the jury at trial.

3. If this evidence were admissible, the undisputed evidence is that plaintiff sent out hundreds of emails seeking employment and became reemployed with the Securities and Exchange Commission in late 2006 and later accepted an in-house counsel position at AES, where he is currently employed. Plaintiff accepted the only two job offers he received.

Wherefore, plaintiff prays that defendants be barred from presenting evidence on the issue of plaintiff’s mitigation of damages.

Respectfully submitted,

/s/ Thomas C. Crooks

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